

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. C-09-175
	§	
ERNEST GARZA	§	

**MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL**

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

(1) There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 18 U.S.C. § 2252(a)(1); and

(2) The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The evidence against the defendant meets is substantial. The defendant admitted he downloaded images of child pornography from the internet. The findings and conclusions contained in the Pretrial Services Report are adopted, supplemented by the testimony of the defendant's mother. The defendant was on probation for a felony drug offense at the time he committed this offense, indicating that he is either unwilling or unable to comply with court-ordered

conditions of release. He is a poor bond candidate.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 19th day of March, 2009.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE